

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

14 Cr. 556 (WFK)

-v.-

GENNARO BRUNO,

NOTICE OF MOTION

Defendant.

TO: Office of the United States Attorney
Eastern District of New York
Attention: M. Kristen Mace, AUSA

PLEASE TAKE NOTICE, that upon the annexed declaration of THOMAS H. NOOTER, ESQ., attorney of record for the defendant GENNARO BRUNO, the defendant will move this Court before the Honorable William F. Kuntz, II, United States District Judge, on October 16, 2015, at 10:00am of that day, at the Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, for an order granting the following relief:

a) a bill of particulars, pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure, with respect to Racketeering Act Three of count one of the indictment (distribution of Valium); and further

b) discovery, to the extent that it is requested that the government provide the defendant with a list of the specific recorded conversations among the

hundreds provided in discovery which it intends to offer at trial, as well as any summaries of the content of the hundreds of hours of conversations they may have, as well as draft transcripts of any conversations that the government intends to offer at trial, and further

c) to dismiss count one of the indictment (racketeering conspiracy) because the defendant was previously prosecuted for the same charge in the Southern District of Florida in *United States v. Bruno*, 03-60267 (S.D. Fla.), and thus charging him again violates the defendant's rights under the Fifth Amendment to the United States Constitution which bars Double Jeopardy, and further

d) to dismiss counts one (all of the racketeering acts), count two (same, because of the racketeering acts incorporated by reference from count one), and counts three through nine, as having been covered by a plea agreement entered into in the Southern District of Florida in *United States v. Bruno*, 03-60267 (S.D. Fla.), in 2004, in which the government of the United States agreed that the charges of murder, extortion, dealing in controlled substances (including marijuana and Valium), and witness tampering would not be further prosecuted based in return for the defendant agreeing to enter a guilty plea to count one of Indictment 03-60267, conspiracy to commit racketeering in violation of 18 U.S.C. §1962(d), and further

e) to dismiss counts six, seven, eight, and nine of the indictment on account

of the extreme delay in bringing the charges, in violation of the defendant's rights to Due Process (Fifth Amendment, U.S. Constitution) and Speedy Trial (Six Amendment, U.S. Constitution), and further

f) to have the Court make an in camera inspection of the grand jury minutes to determine whether the grand jury was misled in a manner inconsistent with the constitutional rights of the defendant because of the evidence that was presented, or not presented, with respect to the charges involving the murder of Martin Bosshart; and further

to grant such other and further relief as the Court deems just and proper.

Dated: New York, New York
August 12, 2015

Yours, etc.,

/s/ Thomas H. Nooter
THOMAS H. NOOTER
Attorney for Defendant
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